

REMARKS

Claims 1-22 are pending in the present application.

Claims 1-22 are rejected.

Claims 1 and 12 were amended.

Reconsideration of the claims is respectfully requested.

CLAIM REJECTION UNDER 35 U.S.C. § 103

Claims 1, 3-12, and 14-22 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent Publication No. 2002/0057657 to *La Porta et al.* ("La Porta") in view of U.S. Patent Publication No. 2004/0005884 to *Nieminen et al.* ("Nieminen") and further in view of U.S. Patent No. 6,233,452 to *Nishino* ("Nishino"), U.S. Patent No. 6,580,699 to *Manning et al.* ("Manning"), and U.S. Patent No. 7,110,377 to *Hsu et al.* ("Hsu"). Claims 2 and 13 were rejected under 35 U.S.C. § 103(a) as being unpatentable over La Porta in view of Nieminen, Nishino, Manning, and Hsu, and further in view of U.S. Patent No. 6,999,766 to *Padovani* ("Padovani"). These rejections are respectfully traversed.

In *ex parte* examination of patent applications, the Patent Office bears the burden of establishing a *prima facie* case of obviousness. MPEP § 2142, p. 2100-127 (8th ed. rev. 7 July 2008). Absent such a *prima facie* case, the applicant is under no obligation to produce evidence of nonobviousness. *Id.*

To establish a *prima facie* case of obviousness, three basic criteria must be met: First, there

must be some reason – such as a suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art – to modify the reference or to combine reference teachings. MPEP § 2142, pp. 2100-127 to 2100-128 (8th ed. rev. 7 July 2008); MPEP § 2143, pp. 2100-128 to 2100-139; MPEP § 2143.01, pp. 2100-139 to 2100-141. Second, there must be a reasonable expectation of success. MPEP § 2143.02, pp. 2100-141 to 2100-142 (8th ed. rev. 7 July 2008). Finally, the prior art reference (or references when combined) must teach or suggest all of the claim limitations. MPEP § 2143.02, pp. 2100-141 to 2100-142 (8th ed. rev. 7 July 2008).

Independent Claim 1 has been amended to recite that the first and second base stations communicate with their respective mobile stations using radio access network (RAN) signaling messages. Support for this feature can be found throughout the Applicants' disclosure, including, e.g., paragraphs [0005], [0009], and [0037]. This feature is not taught or suggested by La Porta, Nieminen, Nishino, Manning, or Hsu, separately or in combination. None of these references teaches or suggests anything about communication between a base station and a mobile station using radio access network signaling messages.

Therefore, Claim 1 is patentable over La Porta, Nieminen, Nishino, Manning, Hsu, and any combination of these references. Independent Claim 12 recites features analogous to those of Claim 1 discussed above. Accordingly, Claim 12 is also patentable over La Porta, Nieminen, Nishino, Manning, Hsu, and any combination of these references. Claims 2-11 depend from Claim 1. Claims 13-22 depend from Claim 12. These claims are patentable at a minimum due to their dependence

from allowable base claims.

Accordingly, the Applicant respectfully requests withdrawal of the § 103 rejection.

CONCLUSION

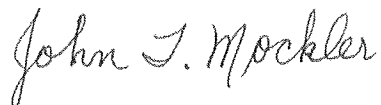
As a result of the foregoing, the Applicant asserts that the remaining claims in the Application are in condition for allowance, and respectfully requests that this Application be passed to issue.

If any issues arise, or if the Examiner has any suggestions for expediting allowance of this Application, the Applicant respectfully invites the Examiner to contact the undersigned at the telephone number indicated below or at *jmockler@munckcarter.com*.

The Commissioner is hereby authorized to charge any additional fees connected with this communication or credit any overpayment to Deposit Account No. 50-0208.

Respectfully submitted,

MUNCK CARTER, LLP



John T. Mockler
Registration No. 39,775

Date: 07 October 2009
P.O. Drawer 800889
Dallas, Texas 75380
Phone: (972) 628-3600
Fax: (972) 628-3616
E-mail: *jmockler@munckcarter.com*